

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:19-cv-00141-MR  
BANKRUPTCY CASE NO. 1:18-bk-40079**

<b>IN RE:</b>	)	
	)	
<b>BERNICE ELOISE COLE,</b>	)	
	)	
<b>Debtor,</b>	)	
	)	
_____	)	<b><u>ORDER TO SHOW CAUSE</u></b>
	)	
<b>BERNICE ELOISE COLE,</b>	)	
	)	
<b>Appellant,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>JOHN W. BALLARD, KEMPER L.</b>	)	
<b>COLBERT, and FREDERICK L.</b>	)	
<b>HENDERSON, JR.,</b>	)	
	)	
<b>Appellees.</b>	)	
	)	
_____	)	

**THIS MATTER** is before the Court on the Appellant's "Answer to Order to Show Cause" [Doc. 16].

On September 10, 2019, the Court entered an Order directing the Appellant to show cause within fourteen (14) days why this bankruptcy appeal should not be dismissed due to the Appellant's failure to prosecute.

[Doc. 14]. The Appellant filed her Response to the Show Cause Order on September 24, 2019. [Doc. 16]. In her Response, the Appellant explains that she did not receive the Scheduling Order entered in this case on August 1, 2019, because that Scheduling Order was mailed only to her listed P.O. Box address and not to her street address of record. [Id.]. The Appellant explained that she listed both addresses “to be certain that I would not miss any Court Deadlines, due to my temporary living situation, and, or the unreliability of my vehicle – necessary to pick-up mail from a post office.” [Id. at 3].<sup>1</sup> Based on the Appellant’s representations in her Response, the Court will discharge the Show Cause Order and will issue a new Scheduling Order in this matter. The Clerk will be directed to deliver a copy of this Order to the Appellant at both her listed P.O. Box address and her listed street address.

**IT IS, THEREFORE, ORDERED** that the Show Cause Order [Doc. 14] is **DISCHARGED**.

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<sup>1</sup> The Appellant also states in her Response that she had been relying on Beth Carter, the attorney representing her in the underlying bankruptcy case, to notify her of any notices or orders from this Court. Ms. Carter, however, has never made an appearance in this bankruptcy appeal. Further, the bankruptcy court docket indicates that Ms. Carter was permitted to withdraw from representing the Appellant in the underlying bankruptcy case on September 19, 2019. [Bankr. Case No. 1:18-bk-40079, Doc. 92].

**IT IS FURTHER ORDERED** that, pursuant to Rule 8018(a) of the Federal Rules of Bankruptcy Procedure, the Court hereby enters the following Scheduling Order:

(1) The Appellant shall serve and file an appellate brief within thirty (30) days of the entry of this Order.

(2) The Appellees shall serve and file an appellate brief within thirty (30) days after service of the Appellant's brief.

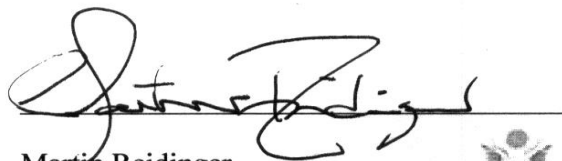
(3) The Appellant may serve and file a reply brief within fourteen (14) days after service of the Appellees' brief.

(4) Any extensions of time will be granted only upon a showing of good cause.

The Clerk of Court is respectfully directed to deliver a copy of this Order to the Appellant at both her listed P.O. Box address and her listed street address.

**IT IS SO ORDERED.**

Signed: September 27, 2019

  
Martin Reidinger  
United States District Judge

